

bcc: Odie Donald  
Tom Walsh, Esq.  
Kerwin Gray, Esq.  
Ed Reynolds  
Wayne Dubois  
Larry Smith  
Jim Bacon  
Bob April  
Ralph Gianelloni  
Joe Larussa  
John Cossart  
Melba Martin

## CELLULAR ONE

☐ *Baton Rouge Office*  
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March 14, 1991

Mr. Eddy Gallegos  
Louisiana Public Service Commission  
Post Office Box 91154  
Baton Rouge, LA 70821-9154

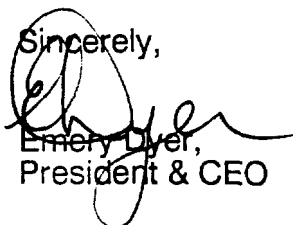
Dear Mr. Gallegos:

It has been brought to the Commission's attention that BellSouth Mobility (BMI), has been offering a corporate rate of \$16.00 per month in New Orleans, Baton Rouge, and Lafayette to customers who did not qualify for this rate under their tariff. The offering was made to their competitor's customers in order to entice them to switch service and to potential customers for whom they were competing for service. This action was taken in violation of the Commission's direction regarding the conditions for offering corporate or multiple unit rates. Using this tactic, BMI was able to take from us, customers whom we had spent a great deal of time, money and effort to obtain and provide service to.

Their actions have resulted in considerable and irreparable damage to us. We believe that the commission's actions in this matter should prevent BMI from profiting from such actions. Even if the commission requires BMI to acknowledge to these customers that they acted unscrupulously in offering them this corporate rate and require them to raise said customers to the proper tariff rate, they will still have the customers.

We therefore request that the commission assure that BMI will not be allowed to take any actions that will mitigate their having to impose the proper tariff rates upon these customers, and that no adjustments to offset the increase be offered to these customers for a minimum of six (6) months following the rate correction. Also, that these customers be notified that their contracts with BMI are not binding. We additionally request that we be given a listing of the names, addresses, and telephone numbers of these customers so that we may have an equal opportunity to offer them service. All of the above actions will not fully redress the wrong that has been done. These customers are currently with BMI and would have no incentive to switch service. To do so they would have to go through the inconvenience associated with changing from one carrier to another, including programming of their cellular unit. Therefore, we feel it only appropriate that BMI also be required to issue a public statement of apology for their flagrant violation of the commission's order and their unfair anti-competitive practices.

Sincerely,

  
Emory Dyer,  
President & CEO

ED/ll

RECEIVED

MAR 18 1991

LOUISIANA PUBLIC SERVICE  
COMMISSION

# CELLULAR ONE®

☐ *Baton Rouge Office*  
10551 Coursey Blvd.  
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March 14, 1991

Mr. Eddy Gallegos  
Louisiana Public Service Commission  
Post Office Box 91154  
Baton Rouge, LA 70821-9154

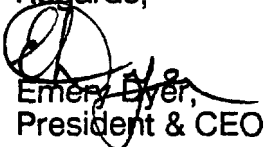
Dear Mr. Gallegos:

Attached are reports listing the names of Baton Rouge customers who switched from Cellular One to BellSouth Mobility for a better price. We believe that most of these customers switched because they were able to obtain the \$16.00 multiple unit rate even though they did not qualify for such.

Additionally we believe that this was also given to real estate agents of C.J. Brown and to doctors of the Baton Rouge General. We also believe that in the past, the Exxon Corporation received the rate for twenty-five plus units from BellSouth Mobility even though they did not have that many. Exxon has since cancelled their cellular service with BellSouth Mobility. This only lists the customers who were with us that were switched. It does not include the potential customers who took service with BMI instead of Cellular One because they were offered an improper rate. Since December 1987, when direction was received on the application of corporate or multiple unit rates, Cellular One of Baton Rouge has expended a considerable amount of time and effort to assure that its tariff was adhered to. We also periodically examined our records to assure that no such violation knowingly existed.

Should you require any additional information or have any questions regarding this matter, please do not hesitate to contact me.

Regards,

  
Emory Dyer,  
President & CEO

ED/II

encl.

RECEIVED

MAR 18 1991

LOUISIANA PUBLIC SERVICE  
COMMISSION



**BellSouth Mobility**

5600 Glennage Drive  
Suite 600  
Atlanta, Georgia 30342

March 15, 1991

Mr. Eddie Gallegos  
Louisiana Public Service Commission  
Post Office Box 91154  
Baton Rouge, Louisiana 70821-9154

Dear Mr. Gallegos,

Attached please find a copy of a letter being sent to a BellSouth Mobility customer as a competitive response to an offer made to that customer by Radiofone. Radiofone's offer to that customer is in direct violation of the Commission's rules requiring that carriers offering a discounted rate based on the number of cellular numbers in service must bill the customer on one bill sent to one address. The attached letter demonstrates the competitive disadvantage imposed on BellSouth Mobility when it is required to comply with regulatory requirements not imposed on its competitor.

The confusion about what rules applied to the offering of discounted rates began some time ago with offers made to BellSouth Mobility customers by Radiofone in violation of the Commission's requirements. Radiofone has taken substantial numbers of customers from BellSouth Mobility on that basis alone. These offers, as evidenced by the attached letter, continue to be made by our competitor as if the Commission's rules do not apply to them. This is not an isolated incident, nor is it a situation from the distant past. The problem is widespread, and violations by our competitor continue unchecked even as this letter is being written.

This customer has been with BellSouth Mobility for a long time, and currently has a substantial quantity of cellular numbers. We cannot afford to lose this account, and indeed should not be required to lose it because our competitor is not bound by the rules imposed on us. BellSouth Mobility filed a complaint regarding this type of violation, among others, by Radiofone several weeks ago. We have been led to believe that Radiofone will be required to provide the same information that was required of BellSouth Mobility in response to complaints by Radiofone, and will ultimately be held to the same

regulatory requirements. While we realize that it will take some time to correct this situation, which provides an unfair advantage to our competitor in that Radiofone continues to violate the stated regulatory requirements, nonetheless we have seen no evidence in the marketplace of Radiofone's intent to comply with the rules. To the contrary, their blatant violations continue. As a result, we continue to lose customers to Radiofone for this reason alone. This is an intolerable situation; thus, our response to the customer in this case.

Since our letter of February 18, 1991, and in addition to the violation cited above, Radiofone has offered a \$16.00 rate with individual billing to several additional BellSouth Mobility corporate customers. Two examples are as follows:

One of these violations occurred on March 5, 1991. In that case, Radiofone offered our customer a \$16.00 per month access rate and \$.30 per minute usage rate with individual billing. The customer called BMI requesting that its service be discontinued so they could obtain service from Radiofone with individual billing.

On March 7, 1991 our sales representative made a routine call on another BMI customer. The customer told her that Radiofone had just offered the above rate with individual billing. They requested that BMI offer individual billing also. The customer has indicated that they will obtain service from Radiofone if BMI cannot provide the same package, i.e., the \$16.00 rate with individual billing.

Offering the discounted rate with individual billing is only one of the violations by Radiofone about which we complained in our letter to the Commission dated February 18, 1991. It seems unnecessary to list those complaints in this letter. However, they are incorporated by reference. BMI continues to suffer grievous harm as a result of the continued violations, and again requests that the Louisiana Public Service Commission investigate these violations and require Radiofone to cease and desist this anticompetitive and improper conduct. Your consideration of this request, and your timely response will be greatly appreciated.

Yours truly,



William H. Brown  
General Manager  
State Regulatory

Radiofone

RECEIVED

MAR 18 1991

LOUISIANA PUBLIC SERVICE  
COMMISSION

March 15, 1991

Mr. Eddy Gallegos  
Louisiana Public Service Commission  
Post Office Box 91154  
Baton Rouge, LA 70821-9154

Dear Mr. Gallegos:

Recently we brought to the attention of the Louisiana Public Service Commission ("Commission") the ongoing, unfair competitive practices of BellSouth Mobility, Inc. ("BMI"). In one specific, BMI in violation of the Commission's order, is offering cellular service to customers and potential customers of Radiofone, Inc. at a "corporate rate" of \$16 per month when these customers did not meet the requirement of eligibility for the corporate rate.

As a result of this ongoing, unfair practice, Radiofone has suffered incalculatable and possibly irreparable damage both in an immediate monetary sense and to its reputation with those customers for refusing to serve them under these improper circumstances. Radiofone believes the Commission should do its utmost to put the matter right and mitigate the damages sustained as a result of these unfair practices to-wit:

Bell should be directed by the Commission to:

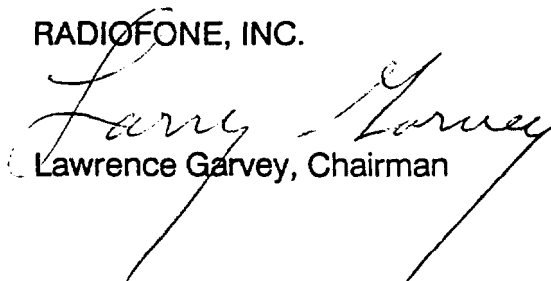
- Provide a list to Radiofone of all ineligible customers improperly solicited at the corporate rate, specifying all unit users which were sold and served at that rate.
- Inform all individual ineligible customers sold at the corporate rate that this rate was improperly offered to them and that any contracts or agreements entered into pursuant to this improper offering are not binding in any way.
- Inform said users that their service charge will be raised to the correct rate specifying that that rate is also available from the competing carrier which refrained from offering the improper rate.
- Guarantee that no reduction from the proper rate and no mitigation designed to lessen the effect of this adjustment will be offered to said users for a reasonable period of time following this rate correction.
- Issue a public statement of apology for such flagrant violation of its responsibility as a carrier regulated by the Louisiana Public Service Commission.

Mr. Eddy Gallegos  
March 15, 1991  
Page 2

These steps, we believe, should be the minimum requirements to effect at least a partial reparation of the harm done by this unfair, competitive practice.

Very truly yours,

RADIOFONE, INC.

  
Lawrence Garvey, Chairman



**BellSouth Mobility**

5600 Glenndge Drive  
Suite 600  
Atlanta, Georgia 30342

April 2, 1991

Mr. Edward L. Gallegos  
Louisiana Public Service Commission  
Post Office Box 91154  
Baton Rouge, Louisiana 70821-9154

Dear Mr. Gallegos,

As you requested today, I am providing a copy of a letter sent to BellSouth Mobility Inc (BMI) by an existing customer who has received an offer from Radiofone in violation of the tariffs and the Commission's rules. In its letter of February 18, 1991, BMI advised the Commission of this and other types of violations by Radiofone, and asked the Commission to "investigate these violations and require Radiofone to cease and desist this anticompetitive and improper conduct." BMI noted that "Radiofone should be held to the same standard the Commission has applied to BMI."

On March 15, 1991, BMI sent the Commission another letter informing them of Radiofone's continued violations, and pointed out Radiofone's improper offer to this specific customer in addition to several others.

The attached letter from the customer, dated March 18, 1991, demonstrates the accuracy of the BMI claim that "the problem is widespread, and violations by our competitor continue unchecked even as this letter is being written." It makes reference to "the Premium Plus Plan at \$16.00 per month ... and \$.30 per minute with individual billing," and states that "...this plan is offered by Radiofone with individual billing." BMI, like the customer, "cannot understand why the same service cannot be offered by BellSouth Mobility."

The customer has called frequently over the last several weeks stating their intention to discontinue service with BMI and accept Radiofone's offer if BMI cannot make the same offer. We have advised the customer of the Commission rule prohibiting individual billing for discounted rates, but Radiofone's offer still stands. BMI is



obviously in jeopardy of losing this important account for no other reason than its compliance with regulatory requirements which its competitor continues to violate. The damage is likely to be done before the Commission has acted on this complaint. This is not an isolated incident.

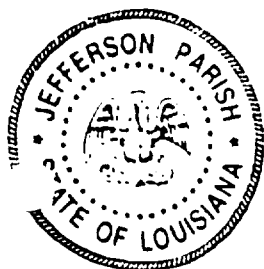
BMI continues to suffer grievous harm as a result of Radiofone's violations, and again requests that the Louisiana Public Service Commission investigate these violations and require Radiofone to cease and desist this anticompetitive and improper conduct. Your consideration of this request, and your timely response will be greatly appreciated.

Yours truly,

A handwritten signature in dark ink, appearing to read "William H. Brown", with a long horizontal flourish extending to the right.

William H. Brown  
General Manager  
State Regulatory

Attachment



MICHAEL J. YENNI  
PARISH PRESIDENT

## JEFFERSON PARISH LOUISIANA

911 COMMUNICATIONS DISTRICT  
OFFICE OF TELECOMMUNICATIONS



GLEN F. DASTUGUE  
DIRECTOR

March 18, 1991

Bell South Mobility  
Mr. Bob April  
2222 Clearview Parkway  
Metairie, LA 70001

Dear Sir:

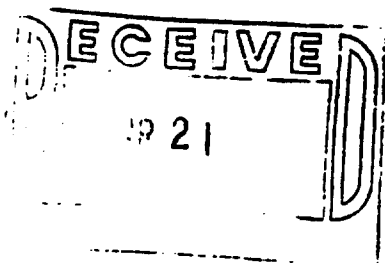
For the last several months, we have been doing a study on the cellular usage of Jefferson Parish employees who are Bell South Mobility customers. I have come to the conclusion that the Premium Plus Plan is the plan that will be most beneficial for Jefferson Parish.

Since this plan is offered by Radiofone with individual billing, I cannot understand why the same service cannot be offered by Bell South Mobility.

We definitely want the Premium Plus Plan at \$16.00 per month for each cellular number and \$.30 per minute with individual billing.

If you must send our bill under a master account, we have to insist that you have the account number listed next to each cellular number so the number can be easily identified for payment.

We want to continue business with Bell South Mobility but we need to have the Premium Plus Plan made available to us now.



Sincerely,

Glen F. Dastugue  
Director of Telecommunications

GFD/lis



**BellSouth Mobility**

5600 Glenridge Drive  
Suite 600  
Atlanta, Georgia 30342

April 12, 1991

VIA FACSIMILE  
ORIGINAL TO FOLLOW

Mr. Edward L. Gallegos  
Louisiana Public Service Commission  
Post Office Box 91154  
Baton Rouge, Louisiana 70821-9154

Dear Mr. Gallegos,

Thank you for your letter transmitting Radiofone's response to BellSouth Mobility Inc's (BMI) February 18th letter notifying the Commission of numerous tariff and regulatory violations by Radiofone. We have reviewed the response as you asked, found that it does not satisfy BMI's complaints (or even respond to all points raised), and are therefore advising you so the matter can be set for public hearing. As you know, a letter notifying you of further violations by Radiofone was filed on April 2, 1991. This letter also notifies you of additional Radiofone violations that have occurred since the April 2nd letter.

The BMI letter stated that Radiofone is providing service at a \$16.00 rate with individual billing. Radiofone's response in no way refutes or even addresses that statement. This is a clear indication to the Commission of what BMI already knows. Radiofone is guilty of this violation. Yet BMI is precluded by this Commission from offering a discounted rate with individual billing, and continues to lose its existing customers, as well as sales to potential new customers to Radiofone for that specific reason.

BMI further states that the Radiofone representative who offered a \$16.00 rate with individual billing was Mr. Garvey. In its response Radiofone agrees with that statement by saying that "there are or have been six (6) Mr. Garveys who worked at Radiofone. We may have quoted rates to many thousands of potential customers." BMI is not able to ascertain whether the quote was made by Radiofone's Chairman, Mr. Lawrence D. Garvey, or by Mr. Don Garvey, or by one of the other Mr. Garveys. The fact remains that the offer was made in violation of the Commission's requirements and Radiofone's tariffs.

Radiofone is correct in stating that it filed tariff revisions to include a note describing requirements for corporate or multiple unit rates. However, its note is not as restrictive as the Commission directed. It can, and is being interpreted to allow separate bills and separate payments under its discounted rate plan. If Radiofone's position is that the note is intended to comply with the Commission directive and prohibit individual billing, then the conclusion that Radiofone is violating its own tariff and the Commission's requirements is unavoidable. The only other explanation is that the note is not in accordance with the Commission directive. In either case, Radiofone is in violation of the Commission requirements.

As also stated in BMI's letter, Radiofone, in direct violation of Commission requirements, is offering a \$16 per month and \$.30 per minute rate plan which does not appear in the tariffs currently on file with the Commission. Radiofone correctly confesses in its response that "In 1988 this rate was deleted..." It further states that "...Contract Plans were originated..." as if refuting the above stated tariff violation. Radiofone's Contract Plans as shown on Tariff No. 2, Page 4.2 issued April 1, 1989 and effective that same day do not include a \$16.00 monthly rate. BMI received today a copy of the first revision of that page, issued March 12, 1991 and effective March 12, 1991. The revised page introduces a new \$16.00 rate for customers with 25 or more numbers. It offers usage at \$.33 per minute for up to 300 minutes each, and \$.30 per minute for additional minutes. Yet Radiofone has offered that rate and sold service at that rate in violation of its tariffs since it was deleted in 1988 until the effective date of this page.

BMI must also question the effective dates of this page and the entire Radiofone Tariff No. 2. BMI is not allowed to make rates effective on the same date the tariff pages are issued. In fact, a thirty day public notice period is required of BMI prior to making a tariff change effective, and a seven day notice period prior to the effective date of Price List changes which must be below the maximum rates stated in the tariff. Radiofone is apparently not subject to the same regulatory requirements imposed on BMI, and reaps the benefits of the competitive advantage resulting from this unequal regulation of the two competing carriers.

Radiofone, in admitting that it has "mistakenly" charged BMI rates in violation not only of the "agreement" negotiated with the Commission, but also in violation of its tariff, claims that the "mistake was made not by Radiofone as Bell claims, but by the Houma/Thibodaux Cellular Partnership," and further that "The Partnership is managed by separate personnel and uses its own separate outside billing agency." In fact, the Technical Data Sheets provided by Radiofone to the industry show that the contact to whom billing inquiries regarding the Houma/Thibodaux Cellular Partnership are to be addressed is the same individual to whom billing inquiries regarding Radiofone are to be addressed. Not only is the individual the same, but also the address shown on both sheets is the main

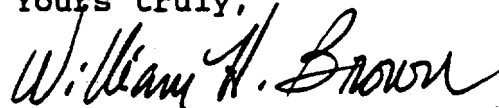
Radiofone address, and the contact telephone number is the same. Furthermore, bills rendered to BMI by Radiofone for roamer charges are edited and signed by the same individual on behalf of Radiofone as on behalf of the Houma/Thibodaux Cellular Partnership. Radiofone's claim that someone else is responsible for billing BMI roamer charges in violation of its agreement with BMI, and in violation of its tariffs is obviously incorrect.

Radiofone also claims in its response that "The Partnership discovered the mistake without notice or complaint from Bell, rectified the situation, and credited Bell's account immediately." To its knowledge, BMI has received no credit, or notice of credit, or correspondence regarding the erroneously billed amounts. A through search of BMI records indicates that no such credit has been made. BMI's complaint before this Commission that Radiofone has charged BMI the \$2.00 daily roaming charge for at least 63 different customers a total of 80 or more times, and has applied the \$.50 per minute usage charge to all usage associated with those calls remains.

In addition to the above stated inadequacies of Radiofone's response regarding its tariff and regulatory violations, and in addition to the violations cited in BMI's letters of March 15, 1991 and April 2, 1991, new violations are occurring daily. In one recent incident (April 4, 1991), Radiofone, by offering a \$16.00 monthly rate and \$.30 per minute rate with individual billing, persuaded a large BMI customer to terminate its service with BMI and convert to Radiofone service. The customer could not understand why it was able to get that service at that rate from Radiofone, but not from its preferred provider, BMI. BMI also cannot understand why Radiofone is allowed to make offers to BMI customers where the rates and services offered are in direct violation of the Commission's rules and regulations, yet BMI is required to abide by those requirements.

BMI continues to suffer grievous harm as a result of Radiofone's violations, and again requests that the Louisiana Public Service Commission investigate these violations and require Radiofone to cease and desist this anticompetitive and improper conduct. Your consideration of this request, and your timely response will be greatly appreciated.

Yours truly,



William H. Brown  
General Manager  
State Regulatory



*Eddy - Ideas?*

April 23, 1991

Mr. Marshall Brinkley, Secretary  
Louisiana Public Service Commission  
One American Place, Suite 1630  
Baton Rouge, LA 70805

EXECUTIVE OFFICE

Dear Mr. Brinkley:

BUSINESS OFFICE

With reference to recent tariff filings that BellSouth Mobility, New Orleans CGSA, and Baton Rouge MSA Limited Partnership have filed, we wish to have the Commission review the tariffs of all three companies with respect to roaming, as well as local service.

CUSTOMER SERVICE

We wish to have the Commission investigate BellSouth and its affiliates' practices with regard to providing roamer services in two RSA areas. One relates to the aggregation of local and roamer rates, unequal rate treatment and other discriminatory practices with respect to the Hammond RSA. The other relates to BellSouth Mobility's refusal to allow customers who subscribe to other carriers' service to use the service at all in the St. Francisville area.

FINANCE OFFICE

SALES AND  
SERVICE LOCATIONS

We wish to have the Commission investigate BellSouth Mobility's practice of billing of unanswered roamer calls to us, but not doing the same to their customers.

We request that this matter be set for hearing to determine whether sanctions should be imposed on BellSouth and its affiliates for their conduct. We also request a Cease and Desist Order with respect to these unfair practices, and immediate relief for our customers who wish to roam on BellSouth Mobility's service in areas in which BellSouth Mobility denies service to them. In the alternative, we request that the Commission not allow BellSouth to go beyond the CGSA boundary, as they have requested from the FCC (and not yet received authority), unless and until a competitive service is available in the area from another carrier.

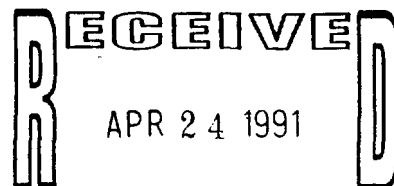
Sincerely,

RADIOFONE, INC.

*Harrell Freeman/ms*

Harrell Freeman

HF:ms



LOUISIANA PUBLIC SERVICE  
COMMISSION



**BellSouth Mobility**

5600 Glenridge Drive  
Suite 600  
Atlanta, Georgia 30342

May 13, 1991

VIA FACSIMILE  
ORIGINAL TO FOLLOW

Mr. Edward L. Gallegos  
Louisiana Public Service Commission  
Post Office Box 91154  
Baton Rouge, Louisiana 70821-9154

Dear Mr. Gallegos,

The purpose of this letter is to submit for your consideration information regarding service offered by Radiofone at the discounted rate with individual billing. BellSouth Mobility Inc (BMI) believes that the accounts identified in this letter are served by Radiofone in New Orleans, and by Cellular One of Baton Rouge in violation of the rules imposed by the Commission requiring that individual billing not be provided in conjunction with discounted rates. Further, BMI believes that these are but a few accounts of many that are served in like manner. This information should have been provided by Radiofone in response to the Subpoena Duces Tecum at the April 17th hearing. At that hearing, Mr. Garvey testified that "... there are a very limited number of improper bills. I think out of 25,000, we've got four of them here..." Since the information provided by BMI herein involves eight accounts and service to at least two hundred cellular units (assuming the tariffed minimum of 25 to qualify for the \$16.00 rate), it appears that it involves service to more cellular units than those identified by Radiofone in response to the subpoena.

It is apparent from Mr. Garvey's testimony that he applies Radiofone's own unique interpretation of the rule to Radiofone's competitive business activities. Mr. Garvey takes the position that multiple or individual bills may be provided as long as they all go to the same company. Mr. Garvey stated, in discussing the Commission Staff's hypothetical example using the "fictitious name," Texaco, "If Texaco is the contracting party and if Texaco is going to be responsible for the payment of this bill under any and all circumstances and if the check issued is from Texaco, I would think that it complies and I think they could send a bill, you know, in care of whoever they wanted, as a matter of instruction from Texaco."

BMI understood when responding to the Commission's Subpoena that sending multiple or individual bills, regardless of the total number of customers and ultimate responsibility for payment of the bill, was a violation of the Commission directive. If Radiofone's interpretation of the rule were applied to BMI accounts, there would be virtually no violations rather than the hundreds of numbers listed as violations in the BMI response to the subpoena.

Either, (a) Radiofone should be ordered to properly respond to the Commission's Subpoena, or (b) the Commission should issue an order clarifying that individual billing at the discounted rate, as practiced by Radiofone, and individual payments, as accepted by Radiofone, are proper. BMI should be permitted to operate under the same interpretation of the rule used by Radiofone.

Obviously, BMI is not privy to Radiofone's proprietary customer lists, and could not possibly know all the customers Radiofone is serving in violation of the rule as BMI understands it. However, accounts which BMI has reason to believe are receiving service from Radiofone in violation of the rule as understood by BMI are as follows:

Jefferson Parish Jefferson Parish has cancelled some of its cellular service with BMI in order to receive the discounted rate with individual billing from Radiofone. BMI has reason to believe that Radiofone provides service to more than twenty cellular units on this account at the discounted rate with individual billing.

Ochsner Medical Institutions Ochsner has also cancelled some of its cellular service with BMI and reconnected with Radiofone in order to receive the discounted rate with individual billing from Radiofone in violation of the Commission's rules.

McDermott McDermott is an existing BMI customer which was approached by Radiofone and offered a \$16.00 rate with individual billing. As a result of this offer, and because BMI is unable to offer individual billing, they terminated some of their cellular service and reconnected with Radiofone.

Schlumberger Well Services Schlumberger's cellular service is with Radiofone rather than BMI because BMI could not offer individual billing with its discounted rate as Radiofone did.

In like manner, accounts which BMI has reason to believe are receiving service from Cellular One of Baton Rouge in violation of the above rule are as follows:

State Times and Morning Advocate

Our Lady of the Lake Medical Center

Lee Michaels Fine Jewelry



United Companies

BMI has clearly demonstrated that it has suffered grievous harm as a result of Radiofone's violations, and again requests that the Louisiana Public Service Commission investigate these violations and require Radiofone to cease and desist this anticompetitive and improper conduct. Either Radiofone should be ordered to properly respond to the Commission's Subpoena, or the Commission should issue an order clarifying that individual billing at the discounted rate, as practiced by Radiofone, and individual payments, as accepted by Radiofone, are proper. BMI should be permitted to operate under the same interpretation of the rule used by Radiofone. Your consideration of this request, and your timely response will be greatly appreciated.

Yours truly,

A handwritten signature in cursive script, reading "William H. Brown". The signature is fluid and extends to the right.

William H. Brown  
General Manager  
State Regulatory

# CELLULAR ONE®

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3100 Fifth Street  
Metairie, LA 70002  
(504) 837-2371

May 31, 1991

Mr. Marshall Brinkley, Secretary  
Louisiana Public Service Commission  
One America Place, Suite 1630  
Baton Rouge, LA. 70825

Dear Mr. Brinkley:

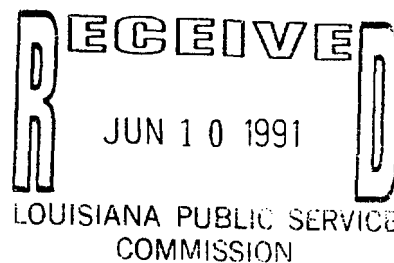
Your office recently conducted reviews of tariff violations, by the cellular carriers in New Orleans and Baton Rouge, relative to Multiple Unit Discounts for 25 or more units.

We believe that BellSouth Mobility has numerous tariff violations in their Baton Rouge market with respect to multiple unit discounts of 4 or more units. We do not believe that this was addressed or reported in the recent reviews. We request that they be included in the current examination.

Respectfully,

  
Emery Dyer,  
President

ED/11



7/24

# CELLULAR ONE

☐ Baton Rouge Office  
10551 Coursey Blvd.  
Baton Rouge, LA 70816  
(504) 291-5990  
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RECEIVED  
JUN 13 1991  
LOUISIANA PUBLIC SERVICE  
COMMISSION

☐ Regional Office  
P.O. Box 8887  
Metairie, LA 70011  
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3100 Fifth Street  
Metairie, LA 70002  
(504) 837-2371

June 12, 1991

Mr. Marshall Brinkley, Secretary  
Louisiana Public Service Commission  
One America Place, Suite 1630  
Baton Rouge, LA 70825

Dear Mr. Brinkley:

It is our opinion that the tariffs relative to the application of Multiple Unit Discounts for cellular service should read as follows:

Volume discounts will be authorized only to those customers using the service, billed on one bill, to one address, to one entity. That entity should be described as follows:

Corporations - employees only.  
Partnerships - employees and partners.  
Sole Proprietorships - employees and active owners.  
Families - members of the same household.

We further believe that these volume discounts should be applicable only within a tariff jurisdiction. A carrier should not be permitted to grant volume discounts based upon the number of units he serves, under their tariff, in his area; plus the number of units that someone else serves in another area. If a carrier desires to encompass the entire State for purposes of granting volume discounts, they should do so as a Reseller tariffed to service the entire State.

In the past, tariff violations have been brought to the Commission's attention, only because a carrier could identify that they had taken place. If carriers are not required to grant volume discounts based on one bill, to one address, to one entity; it will be extremely difficult if not impossible to identify and report such violations.

Respectfully,

  
Emory Dyer,  
Vice President

ED/11

# Radiofone

January 29, 1992

Mr. Jim Ellis  
Taylor, Porter, Brooks & Phillips, Attorneys  
Post Office Box 2471  
451 Florida Boulevard, 8th Floor  
Baton Rouge, LA 70801

Dear Jim,

I would like to bring your attention to the following matter. As you are aware, in 1990, BellSouth Mobility filed a governmental tariff with preferential rates. The original intent of the tariff was that the rate would be available only to governmental units billed through the State Telecommunications Department. At the time, the State Telecommunications Department wanted to include governmental agencies other than the State. We took exception to this as it would include more than one entity, the State.

It has recently come to our attention that State Senators are able to obtain this governmental rate from BellSouth Mobility through the State Senate Office. These are not through the State Telecommunications Office; in some cases, the State is paying the bill, but in others the State Senators are paying their bills to the State Senate Office, which is in turn remitting payment.

It seems that if this governmental tariff can be interpreted as being applicable to governmental groups rather than just the State Telecommunications Department, it can also be interpreted as being applicable to an individual as long as they are a government or quasi-government employee.

This raises additional questions. If a separate tariff can be filed giving preferential rates to the government, then the same can be done for other groups. The existing governmental tariff has no basis for preferential rates such as number of minutes or units that affect cost savings to the carrier, but are solely on employment classification. If a preferential rate can be provided to the State or to the government agencies, then the preferential rate should also be available to specific large companies who often have more units, use more airtime, and pay their bills on a more timely fashion. Additionally, if a preferential rate can be given to someone because they are employed in government, it would follow that a preferential rate can be filed for anyone employed in any business classification, such as medical, legal, realty, manufacturing, etc. This seems discriminatory and to be nothing more than the association plans in disguise.

RADIOFONE OFFICES

BUSINESS OFFICE  
3820 RIDGELAKE DR.  
BATON ROUGE, LA 70802

FINANCE OFFICE  
3820 RIDGELAKE DR.  
BATON ROUGE, LA 70802

CORPORATE OFFICE  
3939 N. CAUSEWAY BLVD.  
METairie, LA 70002

PUBLIC RELATIONS OFFICE  
3939 N. CAUSEWAY BLVD.  
METairie, LA 70002

ADVERTISING/MARKETING OFFICE  
3939 N. CAUSEWAY BLVD.  
METairie, LA 70002

We would like your direction in this matter and ask that you include this in the matter against BellSouth Mobility for multiple unit tariff violatons.

Should you have any questions regarding this, please contact me.

Regards,

Emery Dyer,  
Vice President

ED/ll

cc: Mr. Edward Gallegos  
Larry Garvey





# Louisiana Public Service Commission

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## COMMISSIONERS

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Assistant to the  
Secretary

ROBERT L. RIEGER, JR.  
General Counsel

April 9, 1992

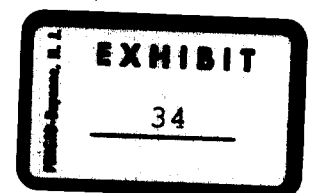
William H. Brown  
General Manager, State Regulatory  
5600 Glenridge Dr.  
Suite 600  
Atlanta, Georgia 30342

Larry Garvey  
Radiofone, Inc., Chief Executive Officer  
3100 Fifth Street  
Metairie, Louisiana 70002

Dear Sirs:

On April 7, 1992 we met along with other representatives of BellSouth Mobility, Inc. (BMI) and Radiofone. The purpose of the meeting was to try to resolve alleged tariff violations by both companies, more specifically, cellular service offered under the "corporate" or "multiple" unit rates. As decided at this meeting, the Commission is requesting that BMI and Radiofone prepare and make available to the Commission a list of all corporate or multiple accounts. After receipt of this information the Commission will review the lists to determine if any tariff violation have occurred. This proposal was discussed with Mr. Marshall Brinkley, Secretary of the Commission, and he is in agreement that such a list should be provided for Commission review.

There was some discussion at the meeting concerning the application and interpretation by the companies of the corporate cellular service rate. In order for the account listings to be prepared in a similar manner, corporate account service will be defined as stated in the Commission's October 8, 1987 letter. Restated, the corporate or multiple unit rate will apply when the number of units contracted meet the tariffed minimum requirement for corporate service, and the units are contracted with one identity and billed to that one identity. All units must appear on one bill.



April 9, 1992

Page 2

Each list furnished should be formatted as follows:

Page Headings	-	Company, MSA served, Page Number
Column #1	-	Account Name
Column #2	-	Address on Account
Column #3	-	Mobile Number(s)
Column #4	-	Basic Monthly Rate Billed
Column #5	-	Category

The categories to be used are as follows:

1. Accounts with 25 or more numbers receiving one bill at one address.
2. Accounts with 25 or more numbers receiving separate bills. and the bills are paid separately.
3. Accounts with 25 or more numbers receiving separate bills and the bills are paid by one primary account number.
4. Accounts with less than 25 numbers receiving one bill at a company's business address.
5. Accounts with less than 25 numbers receiving separate bills.

All cellular numbers associated or grouped with each account will be listed immediately below the primary account name and number.

Accounts with cellular numbers in more than one market will list all numbers under the primary account with a notation referencing the primary market.

Where more than one bill is provided for a corporate customer an asterisk will be placed in front of the primary account name indicating a tariff violation.

Where the corporate rate is provided and the number of cellular access lines is less than the number of access lines authorized in the tariff for corporate rate service an asterisk will be placed in front of the account name indicating a tariff violation.

This information will be made available to the Commission 30 days from the date of this letter. In order to keep each company's customer account listings proprietary the Commission will review this information at the BMI and Radiofone business offices located in either New Orleans or Baton Rouge. Please notify the Commission once this information is ready for review.

Very truly yours,



Edward L. Gallegos  
Chief Engineer

ELG/ACC:dmg



